

FILED  
SCRANTON

MAY 04 2020

United States District Court  
Middle District of PennsylvaniaPER [Signature]  
DEPUTY CLERKJeremy Pinson,  
Plaintiff,

v.

United States,  
Federal Bureau of Prisons,  
Defendants

Case No. \_\_\_\_\_

## CIVIL COMPLAINT

## I. Introduction

This is a re-filing of a claim dismissed by Judge Mariani on 4-16-2020 as filed prior to administrative remedy exhaustion. See: Doc. 101, Case No. 16-cv-1232.

## II. Jurisdiction

This Court has jurisdiction pursuant to 28 U.S.C. 1331 and 2671-80 (FTCA).

## III. Claims

Federal Tort Claims Act, and Pennsylvania State Law, claims of failure to protect, assault, battery, intentional infliction of emotional distress, negligence.

## IV. Supporting Facts

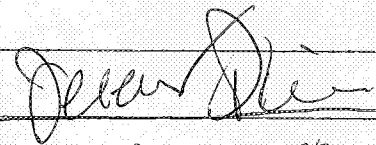
Plaintiff is a federal inmate, a transgender woman, who was previously housed at the United States Penitentiary Allenwood, in White Deer, Pennsylvania from March 10, 2016 to July 18, 2016. Plaintiff began receiving threats and demands

for sex from USP Allenwood inmate Rene Garcia who was her coworker in the Food Service Department. Plaintiff reported the demands to Lieutenant S. Valencick who did nothing to initiate a PREA investigation pursuant to BOP Policy and 28 CFR Part 115 as he is required to do. If Valencick had followed the mandatory policy, Plaintiff would not have been in contact with Garcia the next day when he lured her into a bathroom in the Kitchen, put a shank to her neck and forcibly raped her by penetrating her anus with his penis. Plaintiff sustained rectal tears which to this day cause her severe pain and discomfort. The BOP has a national problem with failing to comply with its PREA policy and as a result multiple lawsuits are pending in multiple districts. See, e.g. Beaubrun v. United States, No. 19-cv-615 (M.D. Fla.). The failure to faithfully follow such policies even now has plaintiff in one of its facilities being harassed and facing death threats daily from an armed sexual predator, Donald Hanway. The BOP also continues to refuse to follow its own policies relating to housing transgender inmates such as plaintiff. Following the assault the plaintiff filed an SF-95 Tort Claim with the BOP which was assigned Case No. TRT-NER-2017-03396 and was presented to this Court which dismissed it as filed prematurely in Case No. 16-cv-1232 and is hereby refiled.

## V. Requested Relief

1. Damages against the United States in the amount of \$ 750,000.00
2. An injunction enjoining BOP from failing to comply with 28 CFR 115 and its own PREA program statement.
3. Award plaintiff costs and fees.

EXECUTED UNDER PENALTY OF PERJURY, 28 U.S.C. 1746 the foregoing is true.



Jeremy Pinson #16267-069

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